

AUSTIN CITY CLERK
POSTING: DATE/TIME

2010 JUL 23 PM 2 38



TRV
5 PGS

2010095377

Zoning Case No. C14-2009-0097

RESTRICTIVE COVENANT

54

OWNER: Marvin and Elizabeth Henry

ADDRESS: 11505 Anderson Mill Road, Austin, Texas 78750

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.582 acre tract of land, more or less, out of the S.A. and M.G. R.R. Survey No. 800, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. For a food sales use, a general retail sales (convenience) use, and a general retail sales (general) use, the hours of operation are from 7:00 a.m. to 8:00 p.m. daily.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

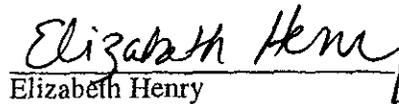
6-24-10
+ 103

EXECUTED this the 23 day of JUNE, 2010.

OWNER:

Marvin and Elizabeth Henry


Marvin Henry


Elizabeth Henry

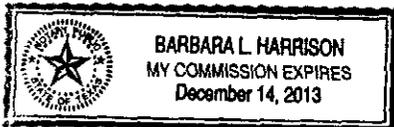
APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 23 day of June, 2010, by Marvin Henry.

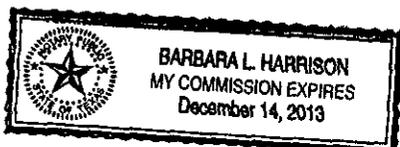



Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 23 day of June, 2010, by Elizabeth Henry.




Notary Public, State of Texas



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724

Fax: 512-389-0943

3500 McCall Lane
Austin, Texas 78744

REMAINDER OF 1.582 ACRES

A DESCRIPTION OF THE REMAINDER OF 1.582 ACRES OF LAND IN THE S.A. & M.G. R.R. SURVEY NO. 800, BEING THE REMAINDER OF A 1.582 ACRE TRACT DESCRIBED IN A DEED TO MARVIN C. AND ELIZABETH M. HENRY AND RECORDED IN VOLUME 6428 PAGE 320 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID REMAINDER TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the east line of said 1.582 acre tract, same being the west line of Lot 2, Oak Deer Park, a subdivision of record in Book 55, page 43 of the Plat Records of Travis County, Texas, also being the southeast corner of a 0.187 acre tract conveyed to Travis county and recorded in Document Number 2004130801 of the Official public Records of Travis County, Texas;

THENCE with the east line of said 1.582 acre tract same being the west line of Lots 4 and 6 of said Oak Deer Park to the south east corner of said 1.582 acre tract, same being the northeast corner of a 1.762 acre tract conveyed to David and Jo Beth Kerr.

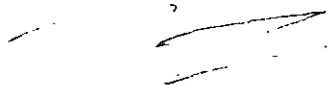
THENCE with the south line of said 1.582 acre tract, same being the north line of said 1.762 acre tract to the southwest corner of said 1.582 acre tract, same being the northwest corner of said 1.762 acre tract, also being in the east line of a tract conveyed to David and Leota Thornton in Volume 11582 Page 86, of the Real Property Records of Travis County, Texas;.

THENCE with the west line of said 1.582 acre tract, same being the east line of said Thornton tract to a point in said common line being the southwest corner of said 0.187 acre tract;

THENCE crossing said 1.582 acre tract with the south line of said 0.187 acre tract to the **POINT OF BEGINNING**.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Attachments: None

 8-11-09

James Redmon
Registered Professional Land Surveyor
State of Texas No. 5848



After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jul 01, 2010 04:45 PM 2010095377

FERGUSONLL: \$32.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS